REMARKS/ARGUMENTS

In the final Office action dated April 11, 2006, claims 1-25, 27, 28, and 40-51 were rejected. This Amendment is being filed with a Request for Continued Examination. In this Amendment, claims 1, 4, 9, and 14 are amended, claims 20-25, 27, and 28 are canceled, and claim 52 is added. Upon entry of this Amendment, claims 1-19 and 40-52 are pending and at issue in the present application.

The undersigned thanks the examiner for the courtesies extended during a telephonic interview conducted on June 28, 2006. The amendments and remarks contained herein summarize and supplement the substance of that interview.

Support for amendments to claims 1, 4, 9, and 14, and new claim 52 may be found at least at paragraphs [0015], [0016], [0021], [0029], [0030], [0032], [0033]-[0035], [0042], [0044], [0045], and [0052], at FIGS. 3-6 of the specification, and original claim 28 of the specification. The undersigned respectfully submits that no new matter has been added by way of these amendments or new claims.

The undersigned objects to the examiner's suggestion that the materials cited in the various information disclosure statements may have been an attempt to cloak any relevant references in a long list of citations. No attempt has been made to "cloak" any relevant references as intimated by the examiner. Rather, the applicant has simply tried to fully and faithfully discharge the duty of full and complete disclosure under 37 C.F.R. § 1.56 after having become aware of the cited references. The general subject matter of the present application is an ancient art. To wit, candles have been in use for centuries, and many, many developments in candle technology have been presented to the U.S. Patent and Trademark Office, thereby resulting in a large number of references related to candle technology. The number of references cited in the various Information Disclosure Statements (IDS's) merely represents the large amount of art associated with various aspects of candle technology of which the undersigned has been made aware. Regardless, the undersigned would like to thank the examiner for fully considering every one of the cited references, as indicated by the initialed IDS's, and for discussing the following references during the telephonic interview of June 28, 2006: Gross U.S. Patent No. 3,730,674, Lee U.S. Patent No. 3,910,753, Pappas U.S. Patent No. 6,062,847, Colthar

et al. U.S. Patent No. 6,454,561, Wright et al. U.S. Patent Publication No. 2002/0166863, Pesu et al. U.S. Patent Publication 2004/0033463, DE 2,440,068, and UK 2,080,514. The identification of the aforesaid documents is not an admission or representation that such documents are in fact prior art, or that the remaining documents cited in the IDS's either are or are not material to the subject matter of the present patent application.

Applicant traverses the rejection of claims 1, 2, 7, 9, and 40-49 as anticipated by Wright (US 2002/0166863). Applicant further traverses the rejection of claims 3-6, 8, 10-19, 50, and 51 as obvious over Wright and various combinations of Kelley (US 3689616), Lee (US 3910753), and Gross (US 3730674).

Claim 1 recites a candle comprising a meltable solid fuel element, a melting plate upon which said fuel element rests, and a capillary lobe located on said melting plate. The capillary lobe comprises a wall extending upwardly from the melting plate. The capillary lobe cooperatively engages a base portion of a wick holder, and the base portion comprises a down-turned skirt extending adjacent the wall of the capillary lobe. A gap is defined between the skirt and the wall of the capillary lobe, and capillary flow of melted fuel occurs upwardly through the gap along the wall of the capillary lobe from the melting plate to a wick retained over the capillary pedestal by the wick holder.

Claim 9 recites a candle comprising a meltable solid fuel, a support plate upon which said fuel rests, a wick holder comprising a wick, and a raised capillary lobe located on said support plate. The capillary lobe is cooperatively covered by a base portion of the wick holder to form a capillary gap capable of causing a capillary flow of melted fuel from the support plate to the wick.

Claim 14 recites a candle comprising a heat conductive surface shaped to hold and melt a solid fuel material included in a solid fuel element. The fuel element includes a wick holder including a wick and heat fins. The surface is shaped so as to form a pool of liquid fuel. The surface includes a raised capillary lobe, which cooperatively engages a recessed base portion of the wick holder to form a gap between the capillary lobe and the wick holder through which melted fuel may flow from the melting plate to the wick. The heat fins are configured so as to come in close proximity to a flame on the wick so as to conduct heat from the flame to the

surface. In addition, the surface is shaped so as to cause the pool of liquid fuel to flow toward the wick.

Claim 40 recites a candle including a support plate for holding a solid fuel element having a raised lobe protruding upwardly therefrom and a solid fuel element. The solid fuel element includes a wick holder and a wick. The wick holder includes a base portion that conforms to the lobe in such a manner as to form a capillary gap therebetween such that melted fuel may rise through the capillary gap from the support plate to the wick by capillary action.

Added claim 52 recites that the gap recited in claim 1 is for establishing the capillary flow of melted fuel upwardly toward the wick.

The cited art does not disclose or suggest a candle as recited in claims 1-8 and 52, wherein the capillary lobe comprises a wall extending upwardly from the melting plate and the wick holder includes a base portion comprising a down-turned skirt extending adjacent the wall of the capillary lobe, wherein a gap is defined between the skirt and the wall of the capillary lobe, and wherein capillary flow of melted fuel occurs upwardly through the gap along the wall of the capillary lobe from the melting plate to a wick retained over the capillary pedestal by the wick holder.

Further, the cited art does not disclose or suggest a candle as recited in claims 9-13, wherein the capillary lobe is cooperatively covered by a base portion of the wick holder to form a capillary gap capable of causing a capillary flow of melted fuel from the support plate to the wick.

Additionally, the cited art does not disclose or suggest a candle as recited in claims 14-19, in which the surface includes a raised capillary lobe, which cooperatively engages a recessed base portion of the wick holder to form a gap between the capillary lobe and the wick holder through which melted fuel may flow from the melting plate to the wick.

In addition, the cited art does not disclose or suggest a candle as recited in claims 40-51 including a support plate for holding a solid fuel element and having a raised lobe protruding upwardly therefrom, wherein the solid fuel element has a wick holder and a wick, and wherein the wick holder includes a base portion that conforms to the lobe in such a manner as to form a

capillary gap therebetween such that melted fuel may rise through the capillary gap from the support plate to the wick by capillary action.

Rather, Wright discloses a candle having a flat-bottomed wick holder and a flat-topped dome protruding upwardly from the bottom of a container. The flat bottom of the wick holder rests on and is encompassed by a peripheral edge of the flat top of the dome. The dome, however, is designed to cooperatively engage the wick holder to prevent flow of fuel from the bottom of the container up the side of the dome to the wick. Specifically, the main objective of Wright is to prevent flashover by leaving a substantial mass of unconsumed wax in the bottom of the container surrounding the wick and wick holder. Wright achieves this objective by placing the wick holder on top of the raised dome without any capillary gap formed along the side of the dome in order to prevent fuel from flowing up the side of the dome from the bottom of the container to the wick. Although there may be capillary action between the flat bottom of the wick holder and the flat top of the dome, there is no capillary flow through a gap upwardly along the side of the dome from the bottom of the container to the wick holder.

Lee discloses a wax burner having a vertical metal tube carrying a wick and metallic heat fins projecting radially outwardly at a top end and at a bottom end, respectively, of the tube. The bottom of the tube rests on a flat bottom of a container.

Gross discloses a candle including a wick disposed in a wax fuel charge. An exposed end of the wick is centrally disposed in a recessed well or depression of the wax fuel charge. Side walls of the recessed well are spaced from the exposed end of the wick. Contrary to the examiner's assertion, Applicant maintains that the side walls of the recessed well do not disclose a starter bump as recited in dependent claims 5 and 17.

Kelley discloses a process for molding wax candles at room temperature. A wax molding machine compresses specially shaped wax particles at a speed capable of causing the wax particles to fuse from heat of friction and heat of compression without the application of outside heat. Surfaces of defining parts of a cavity of the wax molding machine have a Teflon® coating in order to prevent the wax from adhering thereto during the candle molding process.

Further, there is no suggestion in the cited art to modify the candle disclosed in Wright to include a capillary lobe that cooperatively engages a base portion of a wick holder such that

capillary flow of melted fuel occurs upwardly through a gap along a wall of the capillary lobe from the melting plate to a wick retained over the capillary pedestal because such a modification would cause the Wright candle to be unsatisfactory for its intended purpose. Specifically, the main purpose of the Wright candle design is to prevent flashover by preventing fuel from flowing up the side of the dome from the bottom of the container to the wick so that a substantial ring of fuel is left unconsumed at the end of the life of the candle. Modifying the dome and wick holder in Wright to cause capillary flow upwardly to the wick from the bottom of the container is directly contrary to that purpose. If the proposed modification would render the prior art device being modified unsatisfactory for its intended purpose, then there can be no suggestion or motivation to make the proposed modification. MPEP §2143.01 (*citing In re Gordon*, 773 F.2d 900 (Fed. Cir. 1984)).

Because none of the cited art, either alone or in combination, discloses or suggests all the recited elements of the claims at issue, or that it would be desirable or even possible to combine the elements as recited by the claims at issue, it follows that the claims are not anticipated or obvious thereover. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03 (*citing In re Royka*, 490 F.2d 981 (CCPA 1974)).

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims at issue and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

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